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REMARKS/ARGUMENTS

Claims 1, 3 through 10 and 12 through 17 now stand in the application. Claims 2 and 11 have been canceled without prejudice or dedication to the public.

Former claims 1 through 6, 8 and 10 through 12 were rejected as being anticipated by Whitnum United States Patent 210,732. Claims 13 to 17 were rejected as being obvious in light of this reference in view of Spear et al United States Patent 5,975,601. Reconsideration of these rejections is requested.

Claim 1 has been amended to address the indefinite rejection and to additionally include the limitation of former claim dependent claim 2 and dependent claim 11. The cleaning tool defined by the amended claim clearly requires a first U-shaped scoop of a larger capacity relative to a second U-shaped scoop which extends rearwardly from the first scoop. These scoops are vertically offset and require that the side walls of each scoop are tapered towards the respective front edges and join with a rear portion of the respective scoop where the U-shape is of a generally consistent height. These aspects are clearly shown in the side view of Figure 4 where the first U-shaped scoop 4 has side walls 6 and 8 and a bottom and end wall 2. The first U-shaped scoop 4 includes a transition point 18 where after scoop progressively decreases in height towards the front edge 14. Similarly the second U-shaped scoop 32 includes a generally consistent height up to a transition point and then this height tapers downwardly towards the front edge 42. As clearly shown in Figures 1 and 2 each of the scoops are of a similar shape.

The primary reference of Whitnum discloses a conventional fire ash shovel having a blade portion of a large wide capacity connected to an elongate rearwardly extending handle 8. There is no disclosure in the primary reference of using this structure for any other purpose than that described as a particular fire shovel. There is no disclosure in the reference of reversing this fire shovel and using the handle for a second scoop of a smaller capacity. In fact due to the long length of the handle and the absence of any description in the patent the capacities of the shovel and handle are not known. Furthermore, the shape of the first U-shaped scoop in the case of the shovel is not at all similar to the shape of the handle. Furthermore, any taper in the side walls of each of the U-shaped scoops is not from an

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intermediate position of the side walls downwardly towards respective front edge that joins with a rear portion of the respective scoop where the U-shape is of a generally consistent height.

As the Examiner can appreciate the fire shovel of the primary reference is inappropriate as an eavestrough cleaning tool as the shallow capacity of the shovel portion is not appropriate for removing debris from an eavestrough. The generally wide blade of the shovel would not fit within an eaves-trough and there is no suggestion that this structure could be used for this purpose. Furthermore, the only disclosure of a tool which can be reversed and has two U-shaped scoops of different capacities that also both act of as handles and of similar shape, is found in the present application. It is improper to use the present application as a road map for interpreting the prior art. It is clear that the very old Whitnum reference was designed for a particular purpose and the disclosed structure is inappropriate with respect to the tool now claimed. There is no suggestion in this reference of providing a measuring tool associated with either of the blade or handle even if these components are incorrectly considered scoops. Furthermore, there is no suggestion of two reversible U-shaped scoops of this in either the primary reference or the secondary reference of Spear et al.

If one considers the secondary reference it is clear that this is a one-piece hand held garden tool which requires a high strength tool portion i.e., the blade in combination with a high strength annular handle portion to be manually grasped. The handle portion to provide the high strength requires a hollow cavity surrounded by an annular outer wall. This defines a hollow cavity that is substantially closed within the handle portion to prevent dirt and debris from collecting therein. It is clear that according to this reference a particular handle is required and the structure of this handle according to the secondary reference is in direct contradiction to an open U-shaped scoop. There is certainly no teaching in either the primary reference or the secondary reference of a cleaning tool which is reversible as required in the present claims and which allows for different measurements as specifically outlined in dependent claim 13 through 17. Similarly the secondary reference and the use of gradient lines therein are mere markings and there is no disclosure of sets of gradient lines exposed at an angle to the respective scoop bottom as required according to claim 15. The secondary reference fails to disclose sets of gradient lines where each set of gradient lines include a gradient line adjacent a front edge of the respective scoop and an associated gradient line on at least one of the side walls or end

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walls of the respective scoop. As disclosed in the present application this arrangement of gradient lines allows more accurate measurements to be carried out.

Without the present disclosure that outlines the benefits of the claimed structure there is no rational for combining the references.

In view of the amended claims reconsideration and allowance of the application is requested.

Respectfully submitted,



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